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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

I. INTRODUCTION

1. In pursuance of Security Council resolution 1183 (1998) of 15 July 1998, in which the Council authorized an extension, until 15 January 1999, of the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP), I submitted to the Council, on 12 October 1998, a report on the situation in the Prevlaka peninsula and on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences on the disputed issue of Prevlaka (see S/1998/939). The present report covers developments since that date.

2. UNMOP consists of 28 United Nations military observers (see annex) headed by a Chief Military Observer, Colonel Graeme Williams (New Zealand).

3. In accordance with its mandate, UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of the neighbouring areas in Croatia and the Federal Republic of Yugoslavia by carrying out vehicle and foot patrols on both sides of the border, except when prevented from doing so by restrictions of movement imposed by one party or the other. The Mission holds regular meetings with local authorities in order to strengthen liaison, reduce tension, improve safety and security and promote confidence between the parties. The Chief Military Observer maintains contact with the authorities at Zagreb and Belgrade in order to address issues arising from the implementation of resolution 1183 (1998). Cooperation between UNMOP and the multinational Stabilization Force is maintained through regular meetings.

II. SITUATION IN THE AREA OF RESPONSIBILITY OF THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

4. The area of responsibility of UNMOP consists of two United Nations-designated zones: a demilitarized zone (the so-called "Yellow Zone") and a United Nations-controlled zone (the so-called "Blue Zone"). Since the submission of my report of 12 October 1998 (S/1998/939), the situation in the UNMOP area of responsibility has remained stable and free of significant tension. Nonetheless, violations of the demilitarization regime by both parties

persisted, including the standing presence of Yugoslav military personnel in the demilitarized zone, an occasional presence of Croatian military elements in that zone and limitations placed on the free movement of the United Nations military observers by both parties. However, these violations were not assessed by UNMOP as provocative. The continued presence of Yugoslav (Montenegrin) Border Police and Croatian Special Police in the demilitarized zone does not violate the security regime.

5. The most significant long-standing violation in the demilitarized zone is the continued presence of Yugoslav Army troops in the north-eastern part of the zone. Due to constraints imposed by the Yugoslav authorities on the movement of United Nations military observers, UNMOP remains unable to ascertain the exact strength and armament of these units. The Yugoslav authorities, while denying unrestricted access to that area, do allow escorted visits, along the main road only, when given a minimum of six hours' notice.

6. Until recently, Croatia had denied the United Nations military observers unrestricted access to positions in the north-western portion of the demilitarized zone. In December 1998, the Croatian authorities advised the Chief Military Observer that they would in future allow foot patrols to areas which had been previously subject to restrictions. Patrols have since been conducted without obstruction. In addition, the Croatian authorities have taken steps to enable direct communication between UNMOP and the local military commander. The Chief Military Observer and the senior local military officer have agreed to meet on a monthly basis in order to review the general situation and deal with emerging issues. Further, after discussions with Croatian authorities, a police boat which had been involved in several violations of the waters in the United Nations-controlled zone (see S/1998/939, para. 9) has been relocated further from the area. These welcome developments should improve cooperation between the Croatian authorities and UNMOP and allow the mission to monitor more effectively the situation in its area of responsibility.

7. The long-standing violations of the demilitarization regime in the United Nations-controlled zone, as previously reported (see S/1998/939), continue. Approximately 30 Croatian Special Police remain located at three positions and one checkpoint, and approximately 10 Yugoslav (Montenegrin) Border Police remain at one position and one checkpoint.

8. During the reporting period, the Croatian authorities continued to allow unauthorized access to the United Nations-controlled zone by civilians, including Croatian and foreign tourists. Local Croatian officials maintain that Croatia does not recognize any part of the United Nations-controlled zone (including the sea) other than the land area of the Ostra peninsula.

9. The waters of the United Nations-controlled zone continue to be violated frequently by Croatian and Yugoslav fishing boats and occasionally by Croatian police boats. There have been no further serious incidents of the kind mentioned in my last report (see S/1998/939, para. 9).

10. According to established procedure, UNMOP has continued to protest violations of both the demilitarized zone and the United Nations-controlled zone to the authorities in Croatia and the Federal Republic of Yugoslavia, including

the Republic of Montenegro, and to encourage greater respect for the zones and for the freedom of movement of the United Nations military observers. UNMOP maintains the interpretation of the limits of the United Nations-designated zones as defined in my reports to the Security Council since 1992, regardless of unilateral decisions by one party or the other not to respect the United Nations-mandated security regime.

11. There have been no changes in the situation of identified minefields within the UNMOP area of responsibility during the reporting period, nor is there any evidence that either party has put in place a comprehensive demining programme.

12. On 23 December 1998, the crossing point between Croatia and the Federal Republic of Yugoslavia (Montenegro) at Debeli Brijeg, in the demilitarized zone, was opened for the holiday period, which resulted in considerable civilian traffic in both directions. The crossing point is scheduled to remain open until 15 January 1999.

III. PROGRESS TOWARDS A NEGOTIATED SETTLEMENT

13. The Federal Republic of Yugoslavia and Croatia continue to indicate their willingness to resolve peacefully the disputed issue of Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations between the Federal Republic of Yugoslavia and the Republic of Croatia, signed at Belgrade on 23 August 1996 (see S/1996/706, annex). As previously reported (see S/1998/533 and S/1998/632), the two Governments have each submitted a proposal for settling the dispute and have begun direct bilateral talks on the issue. Their negotiating teams have so far held three meetings: the first at Zagreb on 16 September 1998, the second at Belgrade on 9 October 1998 and the third at Zagreb on 23 December 1998. To date, however, the parties have not yet made substantive progress on a settlement. They have expressed their intention to continue their discussions through further meetings of their expert teams and through other bilateral contacts.

IV. FINANCIAL ASPECTS

14. Although an independent mission, UNMOP is treated for administrative and budgetary purposes as part of the United Nations Mission in Bosnia and Herzegovina (UNMIBH). Consequently, the costs of maintaining UNMOP for the period 1 July 1998-30 June 1999 have been included in my report on the financing of UNMIBH for the same period (see A/52/786). The costs associated directly with UNMOP would amount to less than $2,000,000 for that budget period.

15. Should the Security Council decide to extend the mandate of UNMOP beyond 15 January 1999, as recommended in paragraph 17 below, the costs of maintaining the Mission would be met from within the budget of UNMIBH.

V. OBSERVATIONS

16. The initiation of bilateral discussions aimed at finding a permanent solution to the issue of Prevlaka is an important step forward and one which I welcomed in my report of 12 October 1998 (see S/1998/939). The continued stability of the area, under the monitoring of the United Nations military observers, has contributed to a constructive atmosphere in which discussions are continuing, albeit slowly. Nonetheless, given the current stage of the negotiations, it would be premature to conclude that a final agreement between the parties is close at hand.

17. UNMOP has continued to fulfil its mandate, thereby helping to create the necessary conditions for the commencement of the bilateral talks. Its area of operations remains stable and free of significant tension. The number of serious incidents has decreased, and cooperation between the parties and the United Nations military observers has improved. In the light of UNMOP's pivotal role in ensuring the maintenance of an atmosphere in which serious negotiations can proceed and given the current state of negotiations between the parties, I recommend a further six-month extension of the UNMOP mandate until 15 July 1999, without change to its current concept of operations.

18. I urge the parties to take full advantage of the currently favourable conditions for progress on this issue, and to constructively and expeditiously pursue their negotiations towards securing a mutually acceptable and lasting solution to their dispute. In order to enable me to keep the Security Council regularly informed of progress the Council may wish to request the parties to report to me, on a monthly or bi-monthly basis, their assessment of the status of the negotiations.

19. As noted in previous reports (see S/1998/939 and S/1997/1019), the whole set of instruments of the United Nations, including my good offices, is at the disposal of the parties should they require this assistance in their search for a peaceful settlement. In that context, I would be prepared, should they so request, to arrange for a United Nations observer to attend the bilateral talks.

20. In the event that the parties are unable to resolve their dispute or, at the very least, to make substantial progress during the next six months, the Security Council may, at that time, wish to consider alternative mechanisms, such as international mediation or arbitration, in the search for a solution to the dispute. At that time, I would hope to be in a better position to report to the Security Council on how UNMOP's concept of operations and the existing security regime might be adapted in the light of the existing situation. I would like to note in this regard that the security regime monitored by UNMOP was agreed to by the parties in their Agreement on Normalization of Relations and endorsed by the Security Council in prior resolutions on this issue.

21. In conclusion, I would like to commend the Chief Military Observer and the men and women of UNMOP whose joint efforts have helped maintain peace and stability in the area for more than six years. They have assisted in the creation of conditions which now, more than at any time in the past, favour the securing of a peaceful and lasting settlement of the disputed issue of Prevlaka.

Annex

Composition and strength of the military elements of the United Nations Mission of Observers in Prevlaka, as at 4 January 1999

Nationality	Number of military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Egypt	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	1
Nepal	1
New Zealand	2
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	28